UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

HAROLD SMITH, : CIVIL ACTION NO.: 3:21-CV-01167

Plaintiff,

VERSUS

ACCESS HOME INSURANCE COMPANY AND C&S INSURANCE SERVICES, INC.

Defendants

ACCESS HOME INSURANCE COMPANY'S RULE 12(B)(6) MOTION FOR PARTIAL DISMISSAL

NOW INTO COURT, through undersigned counsel, comes defendant Access Home Insurance Company which files this motion to dismiss plaintiff's claims for declaratory judgment pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. As stated in further detail in the attached memorandum of authorities which the defendant incorporates herein by reference, plaintiff's prayer for declaratory relief pursuant to 28 U.S.C. § 2201 is improper, redundant and should be dismissed.

WHEREFORE, Access Home Insurance Company prays that plaintiff's claims for declaratory relief asserted against it be dismissed without prejudice pursuant to F.R.C.P. 12(b) (6).

Respectfully submitted,

By: <u>/s/ Amy Groves Lowe</u>
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Attorneys for Defendant Access Home Insurance Company

CERTIFICATE

The undersigned hereby certifies that on this 20th day of August, 2021, a true and correct copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system which will send notice of electronic filing to all counsel of record.

/s/Amy Groves Lowe Amy Groves Lowe